



COURT NEWS

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EDITORIAL BOARD

Hon'ble Mr. Justice Anil R. Dave, Judge, Supreme Court of India
Hon'ble Mr. Justice Dipak Misra, Judge, Supreme Court of India
Hon'ble Mr. Justice J. Chelameswar, Judge, Supreme Court of India

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LIST OF SUPREME COURT JUDGES

(As on 30-06-2014)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
01.	Hon'ble Mr. Justice R.M. Lodha Chief Justice of India (CJI)	17-12-2008 As CJI: 27-04-2014	28-09-2014
02.	Hon'ble Mr. Justice H.L. Dattu	17-12-2008	03-12-2015
03.	Hon'ble Dr. Justice B.S. Chauhan	11-05-2009	02-07-2014
04.	Hon'ble Mr. Justice T.S. Thakur	17-11-2009	04-01-2017
05.	Hon'ble Mr. Justice C.K. Prasad	08-02-2010	15-07-2014
06.	Hon'ble Mr. Justice Anil R. Dave	30-04-2010	19-11-2016
07.	Hon'ble Mr. Justice S.J. Mukhopadhaya	13-09-2011	15-03-2015
08.	Hon'ble Mrs. Justice Ranjana P. Desai	13-09-2011	30-10-2014
09.	Hon'ble Mr. Justice J.S. Khehar	13-09-2011	28-08-2017
10.	Hon'ble Mr. Justice Dipak Misra	10-10-2011	03-10-2018
11.	Hon'ble Mr. Justice J. Chelameswar	10-10-2011	23-06-2018
12.	Hon'ble Mr. Justice F.M. Ibrahim Kalifulla	02-04-2012	23-07-2016
13.	Hon'ble Mr. Justice Ranjan Gogoi	23-04-2012	18-11-2019
14.	Hon'ble Mr. Justice Madan B. Lokur	04-06-2012	31-12-2018
15.	Hon'ble Mr. Justice M. Yusuf Eqbal	24-12-2012	13-02-2016
16.	Hon'ble Mr. Justice V. Gopala Gowda	24-12-2012	06-10-2016
17.	Hon'ble Mr. Justice Vikramajit Sen	24-12-2012	31-12-2015
18.	Hon'ble Mr. Justice Pinaki Chandra Ghose	08-03-2013	28-05-2017
19.	Hon'ble Mr. Justice Kurian Joseph	08-03-2013	30-11-2018
20.	Hon'ble Mr. Justice A.K. Sikri	12-04-2013	07-03-2019
21.	Hon'ble Mr. Justice Sharad Arvind Bobde	12-04-2013	24-04-2021
22.	Hon'ble Mr. Justice Shiva Kirti Singh	19-09-2013	13-11-2016
23.	Hon'ble Mr. Justice C. Nagappan	19-09-2013	04-10-2016
24.	Hon'ble Mr. Justice R.K. Agrawal	17-02-2014	05-05-2018
25.	Hon'ble Mr. Justice N.V. Ramana	17-02-2014	27-08-2022

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This newsletter is intended to provide public access to information on the activities and achievements of the Indian Judiciary in general. While every care has been taken to ensure accuracy and to avoid errors/omissions, information given in the newsletter is merely for reference and must not be taken as having the authority of, or being binding in any way on, the Editorial Board of the newsletter and the officials involved in compilation thereof, who do not owe any responsibility whatsoever for any loss, damage, or distress to any person, whether or not a user of this publication, on account of any action taken or not taken on the basis of the information given in this newsletter.

APPOINTMENTS AND RETIREMENTS IN THE SUPREME COURT OF INDIA
(FROM 01-04-2014 TO 30-06-2014)**RETIREMENTS**

S. No.	Name of the Hon'ble Judge	Date of Retirement
1	Hon'ble Mr. Justice P. Sathasivam	27-04-2014
2	Hon'ble Mrs. Justice Gyan Sudha Misra	28-04-2014
3	Hon'ble Mr. Justice K.S. Radhakrishnan	15-05-2014
4	Hon'ble Mr. Justice A.K. Patnaik	03-06-2014
5	Hon'ble Mr. Justice S.S. Nijjar	07-06-2014

APPOINTMENTS IN THE HIGH COURTS

(From 01-04-2014 to 30-06-2014)

S. No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Delhi	G. Rohini	21-04-14
2	Himachal Pradesh	Mansoor Ahmad Mir	18-06-14
		Piar Singh Rana	05-05-14
		Sureshwar Thakur	05-05-14
3	Kerala	P.V.Asha	21-05-14
		P.B.Suresh Kumar	21-05-14
4	Madhya Pradesh	Sushil Kumar Palo	15-04-14
		Alok Verma	30-06-14
5	Patna	Prabhat Kumar Jha	21-04-14
		Jitendra Mohan Sharma	21-04-14
		Anjana Mishra	15-05-14
		Ashutosh Kumar	15-05-14

● Above statement is compiled on the basis of information received from the High Courts

TRANSFERS BETWEEN THE HIGH COURTS

(From 01-04-2014 to 30-06-2014)

S.No.	From	To	Name of the Hon'ble Judge	Date of Transfer
1	Telangana & Andhra Pradesh	Punjab & Haryana	Ashutosh Mohunta	26-06-14
2	Telangana & Andhra Pradesh	Kerala	D.S. Naidu	30-06-14

● Above statement is compiled on the basis of information received from the High Courts

VACANCIES IN THE COURTS

A) SUPREME COURT OF INDIA (As on 30-06-2014)

Sanctioned Strength	Working strength	Vacancies
31	25	06

B) HIGH COURTS (As on 30-06-2014)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	90	70
2	Andhra Pradesh	49	31	18
3	Bombay	75	65	10
4	Calcutta	58	40	18
5	Chhattisgarh	18	13	05
6	Delhi	48	38	10
7	Gujarat	42	30	12
8	Gauhati	24	15	09
9	Himachal Pradesh	11	08	03
10	Jammu & Kashmir	14	10	04
11	Jharkhand	20	10	10
12	Karnataka	50	33	17
13	Kerala	38	34	04
14	Madhya Pradesh	43	32	11
15	Madras	60	44	16
16	Manipur	04	02	02
17	Meghalaya	03	03	00
18	Orissa	22	17	05
19	Patna	43	36	07
20	Punjab & Haryana	68	48	20
21	Rajasthan	40	28	12
22	Sikkim	03	02	01
23	Tripura	04	04	00
24	Uttarakhand	09	08	01
TOTAL		906	641	265

- Above statement is compiled on the basis of figures received from the High Courts

C) DISTRICT & SUBORDINATE COURTS (As on 31-03-2014)

S.No.	State/Union Territory	Sanctioned Strength	Working Strength	Vacancies
1	Uttar Pradesh	2057	1807	250
2	Andhra Pradesh	962	866	96
3(a)	Maharashtra	2069	1807	262
3(b)	Goa	52	42	10
3(c)	Diu and Daman and Silvassa	7	6	1
4	West Bengal and Andaman & Nicobar*	994	857	137
5	Chhatisgarh	328	283	45
6	Delhi	758	483	275
7	Gujarat	1963	1235	728
8(a)	Assam	397	249	148
8(b)	Nagaland	27	25	2
8(c)	Mizoram	67	31	36
8(d)	Arunachal Pradesh	16	15	1
9	Himachal Pradesh	137	130	7
10	Jammu & Kashmir	244	222	22
11	Jharkhand	578	401	177
12	Karnataka	1081	716	365
13(a)	Kerala	427	400	27
13(b)	Lakshadweep	3	1	2
14	Madhya Pradesh	1441	1221	220
15	Manipur	37	30	7
16	Meghalaya	39	30	9
17(a)	Tamil Nadu	980	889	91
17(a)	Puducherry	21	11	10
18	Orissa	655	582	73
19	Bihar	1494	1050	444
20(a)	Punjab	671	430	241
20(b)	Haryana	644	480	164
20(c)	Chandigarh	30	29	1
21	Rajasthan	1145	846	299
22	Sikkim	18	12	6
23	Tripura	102	66	36
24	Uttarakhand	282	186	96
TOTAL		19726	15438	4288

● Above statement is compiled on the basis of figures received from the High Courts

* After inclusion of increased cadre strength. The sanctioned strength is inflated due to several Judicial Officers being on deputation and leave reserve. Actual physical vacancy as on 30.06.2014 is 99.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT [01-04-2014 to 30-06-2014]

i) Table I

						Pendency (At the end of 31-03-2014)		
						Admission matters	Regular matters	Total matters
						34,144	30,186	64,330
Institution (01-04-2014 to 30-06-2014)			Disposal (01-04-2014 to 30-06-2014)			Pendency (At the end of 30-06-2014)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
20,201	2,258	22,459	17,845	2,974	20,819	36,500	29,470	65,970

NOTE:

1. Out of the 65,970 pending matters as on 30-06-2014, if connected matters are excluded, the pendency is only of 38,159 matters as on 30-06-2014.
2. Out of the said 65,970 pending matters as on 30-06-2014, 15,409 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 50,561 matters as on 30-06-2014.

ii) Table II

	OPENING BALANCE AS ON 01-04-14	INSTITUTION FROM 01-04-14 TO 30-06-14	DISPOSAL FROM 01-04-14 TO 30-06-14	PENDENCY AT THE END OF 30-06-14
Civil cases	52,119	16,993	15,552	53,560
Criminal cases	12,211	5,466	5,267	12,410
ALL CASES (Total)	64,330	22,459	20,819	65,970

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURTS AND IN THE DISTRICT & SUBORDINATE COURTS

A) HIGH COURTS (FROM 01-01-14 TO 31-03-14)

S. No.	Name of the High Court	Cases brought forward from the previous Quarter			Freshly instituted Cases during this Quarter			Disposed of Cases during this Quarter			Pending cases at the end of this Quarter			% of Institution of Cases w.r.t Opening Balance as on 1-01-14	% of Disposal of Cases w.r.t Opening Balance as on 1-01-14	% Increase or Decrease in Pendency w.r.t. Opening Balance as on 1-01-14
		CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.			
1	Allahabad	695431	347967	1043398	38095	28372	66467	39276	29230	68506	694250	347109	1041359	6.37	6.57	-0.20
2	Andhra Pradesh	201605	31034	232639	16218	5024	21242	12222	4246	16468	205601	31812	237413	9.13	7.08	2.05
3	Bombay	299931	49906	349837	29153	8877	38030	26645	7982	34627	302439	50801	353240	10.87	9.90	0.97
4	Calcutta	230317	49689	280006	20408	7606	28014	26460	5414	31874	224265	51881	276146	10.00	11.38	-1.38
5	Chhatisgarh	29420	16993	46413	4400	3048	7448	7080	3044	10124	26740	16997	43737	16.05	21.81	-5.77
6	Delhi	49000	15652	64652	6862	3969	10831	5997	4327	10324	49865	15294	65159	16.75	15.97	0.78
7	Gujarat	51384	31822	83206	11256	6998	18254	12254	7052	19306	50386	31768	82154	21.94	23.20	-1.26
8	Gauhati	33534	7378	40912	4573	2949	7522	4170	2876	7046	33937	7451	41388	18.39	17.22	1.16
9	Himachal Pradesh	54015	6058	60073	7799	720	8519	5106	559	5665	56708	6219	62927	14.18	9.43	4.75
10	Jammu & Kashmir	87794	5244	93038	6980	921	7901	5688	502	6190	89086	5663	94749	8.49	6.65	1.84
11	Jharkhand	38001	34957	72958	2693	5654	8347	1597	5606	7203	39097	35005	74102	11.44	9.87	1.57
12	Karnataka	179379	17593	196972	34357	3724	38081	29555	3887	33442	184181	17430	201611	19.33	16.98	2.36
13	Kerala	99573	32586	132159	16683	6234	22917	14164	6095	20259	102092	32725	134817	17.34	15.33	2.01
14	Madhya Pradesh	174665	86946	261611	18297	13807	32104	21652	14229	35881	171310	86524	257834	12.27	13.72	-1.44
15	Madras	490383	67096	557479	54046	22867	76913	40768	18977	59745	503661	70986	574647	13.80	10.72	3.08
16	Manipur	3761	92	3853	524	28	552	365	18	383	3920	102	4022	14.33	9.94	4.39
17	Meghalaya	1115	74	1189	288	48	336	616	74	690	787	48	835	28.26	58.03	-29.77
18	Orissa	168794	38028	206822	9296	8205	17501	8930	8177	17107	169160	38056	207216	8.46	8.27	0.19
19	Patna	79896	52259	132155	8843	16515	25358	8971	15498	24469	79768	53276	133044	19.19	18.52	0.67
20	Punjab & Haryana*	200549	62211	262760	17717	15316	33033	20628	13454	34082	197636	64074	261710	12.57	12.97	-0.40
21	Rajasthan	244020	63620	307640	20357	14123	34480	24382	13977	38359	239995	63766	303761	11.21	12.47	-1.26
22	Sikkim	95	25	120	27	12	39	18	6	24	104	31	135	32.50	20.00	12.50
23	Tripura	4743	1091	5834	915	220	1135	1091	366	1457	4567	945	5512	19.45	24.97	-5.52
24	Uttarakhand	15269	5417	20686	2288	1415	3703	1715	1169	2884	15842	5663	21505	17.90	13.94	3.96
TOTAL		3432674	1023738	4456412	332075	176652	508727	319350	166765	486115	3445397	1033626	4479023	11.42	10.91	0.51

● Above statement is compiled on the basis of figures received from the High Courts

* Figures revised by the High Court concerned.

B) DISTRICT AND SUBORDINATE COURTS (FROM 01-01-14 TO 31-03-14)

S. No.	Name of the concerned State/UT	Cases brought forward from the previous Quarter			Freshly instituted Cases during this Quarter			Disposed of Cases during this Quarter			Pending cases at the end of this Quarter			% of Institution of Cases w.r.t Opening Balance as on 1-01-14	% of Disposal of Cases w.r.t Opening Balance as on 1-01-14	% Increase or Decrease in Pendency w.r.t. Opening Balance as on 1-01-14
		CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.	CIVIL	CRL.	CIV.+ CRL.			
1	Uttar Pradesh	1406224	4198761	5604985	137807	636216	774023	128481	535832	664313	1415550	4299145	5714695	13.81	11.85	1.96
2	Andhra Pradesh	475547	508335	983882	59116	93012	152128	51428	74313	125741	483235	527034	1010269	15.46	12.78	2.68
3(a)	Maharashtra	1039755	1844643	2884398	108207	288480	396687	103646	239593	343239	1044316	1893530	2937846	13.75	11.90	1.85
3(b)	Goa	19052	12651	31703	2980	4797	7777	2120	4260	6380	19912	13188	33100	24.53	20.12	4.41
3(c)	Diu and Daman	841	862	1703	203	241	444	152	147	299	892	956	1848	26.07	17.56	8.51
3(d)	Silvassa	593	2416	3009	105	279	384	23	234	257	675	2461	3136	12.76	8.54	4.22
4(a)	West Bengal	547561	2013701	2561262	34585	234503	269088	29368	217297	246665	552778	2030907	2583685	10.51	9.63	0.88
4(b)	Andaman & Nicobar	2630	8775	11405	244	1705	1949	214	1925	2139	2660	8555	11215	17.09	18.75	-1.67
5	Chhatisgarh	61112	208004	269116	7020	33728	40748	5929	35769	41698	62203	205963	268166	15.14	15.49	-0.35
6	Delhi*	140552	381587	522139	51599	233979	285578	56177	229422	285599	135974	386144	522118	54.69	54.70	0.00
7	Gujarat	630308	1596063	2226371	42804	246275	289079	40716	223612	264328	632396	1618726	2251122	12.98	11.87	1.11
8(a)	Assam	69556	178916	248472	8914	56765	65679	10048	46108	56156	68422	189573	257995	26.43	22.60	3.83
8(b)	Nagaland	1316	2002	3318	119	480	599	274	282	556	1161	2200	3361	18.05	16.76	1.30
8(c)	Mizoram	1511	1589	3100	1002	1448	2450	1011	1256	2267	1502	1781	3283	79.03	73.13	5.90
8(d)	Arunachal Pradesh	786	5290	6076	391	2102	2493	409	1691	2100	768	5701	6469	41.03	34.56	6.47
9	Himachal Pradesh	84090	174701	258791	14757	59968	74725	12508	51794	64302	86339	182875	269214	28.87	24.85	4.03
10	Jammu & Kashmir	75872	99775	175647	11790	49484	61274	10885	47659	58544	76777	101600	178377	34.88	33.33	1.55
11	Jharkhand**	65977	236696	302673	5207	27896	33103	4982	24636	29618	66202	239956	306158	10.94	9.79	1.15
12	Karnataka	604663	585672	1190335	91628	279637	371265	74074	267057	341131	622217	598252	1220469	31.19	28.66	2.53
13(a)	Kerala	415262	939117	1354379	86920	261870	348790	83301	246563	329864	418881	954424	1373305	25.75	24.36	1.40
13(b)	Lakshadweep	155	199	354	0	15	15	1	22	23	154	192	346	4.24	6.50	-2.26
14	Madhya Pradesh	255255	842403	1097658	52311	248128	300439	40659	197248	237907	266907	893283	1160190	27.37	21.67	5.70
15	Manipur	5274	7633	12907	976	2828	3804	789	3318	4107	5461	7143	12604	29.47	31.82	-2.35
16	Meghalaya ***	2748	7072	9820	460	2783	3243	547	2144	2691	2661	7711	10372	33.02	27.40	5.62
17(a)	Tamil Nadu	843204	445111	1288315	259067	197876	456943	243004	145403	388407	859267	497584	1356851	35.47	30.15	5.32
17(b)	Puducherry	17113	13636	30749	5027	4081	9108	4530	1955	6485	17610	15762	33372	29.62	21.09	8.53
18	Orissa	233214	901234	1134448	15998	68853	84851	12199	46950	59149	237013	923137	1160150	7.48	5.21	2.27
19	Bihar****	286213	1521569	1807782	15813	92652	108465	12985	65552	78537	289040	1548669	1837709	6.00	4.34	1.66
20(a)	Punjab	257977	265782	523759	37909	87868	125777	40031	94178	134209	255855	259472	515327	24.01	25.62	-1.61
20(b)	Haryana	245595	310074	555669	38847	108279	147126	45372	114355	159727	239070	303998	543068	26.48	28.74	-2.27
20(c)	Chandigarh	20614	39098	59712	2938	36075	39013	3548	47799	51347	20004	27374	47378	65.34	85.99	-20.66
21	Rajasthan	428177	1023704	1451881	56971	245644	302615	48906	220345	269251	436242	1049003	1485245	20.84	18.54	2.30
22	Sikkim	261	584	845	168	343	511	118	266	384	311	661	972	60.47	45.44	15.03
23	Tripura	8850	60865	69715	2168	46648	48816	1865	33008	34873	9153	74505	83658	70.02	50.02	20.00
24	Uttarakhand	30410	122244	152654	8213	49416	57629	8121	44421	52542	30502	127239	157741	37.75	34.42	3.33
TOTAL		8278268	18560764	26839032	1162264	3704354	4866618	1078421	3266414	4344835	8362110	18998704	27360814	18.13	16.19	1.94

● Above statement is compiled on the basis of figures received from the High Courts

* After physical verification, the date has been modified.

** Opening figures modified by the Judgeship of Hazaribagh.

*** Five New District Judgeships created. Escalation arose on receipt of their monthly and quarterly statements for the year 2014.

**** 2 Civil cases received from the Court of another State and 3 cases transferred to the Court of another State during this quarter.

SOME SUPREME COURT DECISIONS OF PUBLIC IMPORTANCE

(01-04-2014 TO 30-06-2014)

1. On 4th April, 2014 in the case of *Vinod Kumar v. State of Kerala* [Criminal Appeal No.821 of 2014], it was held though “rape is indeed a reprehensible act and every perpetrator should be punished expeditiously, severally and strictly”, however, “this is only possible when guilt has been proved beyond reasonable doubt.” In the facts and circumstances of the case, it was held that “the prosecutrix was aware that the appellant was already married but, possibly because a polygamous relationship was not anathema to her because of the faith which she adheres to, the prosecutrix was willing to start a home with the appellant. In these premises, it cannot be concluded beyond reasonable doubt that the appellant is culpable for the offence of rape; nay, reason relentlessly points to the commission of consensual sexual relationship, which was brought to an abrupt end by the appearance in the scene of the uncle of the prosecutrix.”
2. On 7th April, 2014, in the case of *M/s. Indus Airways Pvt. Ltd. & Ors. v. M/s. Magnum Aviation Pvt. Ltd. & Anr.* [Criminal Appeal No. 830 of 2014] the issue which came to be considered was whether the post-dated cheques issued by the appellants as advance payment in respect of purchase orders could be considered in discharge of legally enforceable debt or other liability, and, if so, whether the dishonour of such cheques amounted to an offence under Section 138 of the Negotiable Instruments Act, 1881. Negating the view that “the issuance of cheque towards advance payment at the time of signing such contract has to be considered as subsisting liability and dishonour of such cheque amounts to an offence under Section 138 of the N.I. Act”, it was held that “if a cheque is issued as an advance payment for purchase of the goods and for any reason purchase order is not carried to its logical conclusion either because of its cancellation or otherwise and material or goods for which purchase order was placed is not supplied by the supplier”, the “cheque cannot be said to have been drawn for an existing debt or liability.”
3. On 9th April, 2014, in the case of *Jacky v. Tiny @ Antony & Ors.* [Civil Appeal No. 4453 of 2014], on the issue whether the High Court while exercising its power under Articles 226 and 227 of the Constitution is competent to set aside the plaint in the suit, it was held “if a suit is not maintainable it was well within the jurisdiction of the High Court to decide the same in appropriate proceedings but in no case power under Articles 226 and 227 of Constitution can be exercised to question a plaint.”
4. On 11th April, 2014, in the case of *Dharam Deo Yadav v. State of Uttar Pradesh* [Criminal Appeal No.369 of 2006], while emphasizing on the necessity of promoting scientific evidence also to detect and prove crimes over and above the other evidence, it was held that “crime scene has to be scientifically dealt with, without any error. In criminal cases, especially based on circumstantial evidence, forensic science plays a pivotal role, which may assist in establishing the element of crime, identifying the suspect, ascertaining the guilt or innocence of the accused.”

It was further held that the “judiciary should also be equipped to understand and deal with such scientific materials. Constant interaction of Judges with scientists, engineers would

promote and widen their knowledge to deal with such scientific evidence and to effectively deal with criminal cases based on scientific evidence.”

5. On 15th April, 2014, in the case of *National Legal Services Authority v. Union of India and others* [Writ Petition (Civil) No.400 of 2012], the Court gave various directions “to safeguard the constitutional rights of the members of the TG (Trans Gender Community).

It was held that gender identity “is an integral part of sex and no citizen can be discriminated on the ground of gender identity, including those who identify as third gender.” It was also held that Article 21 “protects one’s right of self-determination of the gender to which a person belongs. Determination of gender to which a person belongs is to be decided by the person concerned. In other words, gender identity is integral to the dignity of an individual and is at the core of “personal autonomy” and “self-determination”. Hijras/Eunuchs, therefore, have to be considered as Third Gender, over and above binary genders under our Constitution and the laws.”

6. On 15th April, 2014, in the case of *Kakali Ghosh v. Chief Secretary, Andaman & Nicobar Administration and Ors.* [Civil Appeal No. 4506 of 2014], the question which arose for consideration was whether a woman employee of the Central Government can ask for uninterrupted 730 days of Child Care Leave (CCL) under Rule 43-C of the Central Civil Services (Leave) Rules, 1972. It was held that “a woman government employee having minor children below 18 years can avail CCL for maximum period of 730 days i.e. during the entire service period for taking care of upto two children. The care of children is not for rearing the smaller child but also to look after any of their needs like examination, sickness etc. Sub Rule (3) of Rule 43-C allows woman government employee to combine CCL with leave of any other kind. Under Sub Rule (4) of Rule 43-C leave of the kind due and admissible to woman government employee including commuted leave not exceeding 60 days; leave not due up to a maximum of one year, can be applied for and granted in continuation with CCL granted under Sub Rule (1). From plain reading of Sub Rules (3) and (4) of Rule 43-C it is clear that CCL even beyond 730 days can be granted by combining other leave if due.”
7. On 17th April, in the case of *Association of Unified Tele Services Providers and others v. Union Of India* [Civil Appeal No. 4591 of 2014], it was held that “when nation’s wealth, like spectrum, is being dealt with either by the Union, State or its instrumentalities or even the private parties, like service providers, they are accountable to the people and to the Parliament.”

It was held that “Unified Access Services (UAS) license holders have an obligation to use such resources in a manner as not to impair or diminish the people’s right and people’s long term interest in that property or resource.” It was further held that the “State is the legal owner of spectrum as a trustee of the people and even though it is empowered to distribute the same, the process of distribution must be guided by constitutional provisions, including the doctrine of equality and larger public good.”

8. On 21st April, 2014, in the case of *Indian Bank Association and others v. Union of India & Ors.* [Writ Petition (Civil) No.18 of 2013], directions were given to all the Criminal Courts in the country dealing with cases falling under Section 138 of the Negotiable Instruments Act, 1881 to follow certain procedures for speedy and expeditious disposal of such cases. It was directed that: 1) “Metropolitan Magistrate/Judicial Magistrate (MM/JM), on the day when the

complaint under Section 138 of the Act is presented, shall scrutinize the complaint and, if the complaint is accompanied by the affidavit, and the affidavit and the documents, if any, are found to be in order, take cognizance and direct issuance of summons”; 2) “MM/JM should adopt a pragmatic and realistic approach while issuing summons. Summons must be properly addressed and sent by post as well as by e-mail address got from the complainant. Court, in appropriate cases, may take the assistance of the police or the nearby Court to serve notice to the accused. For notice of appearance, a short date be fixed. If the summons is received back un-served, immediate follow up action be taken”; 3) “Court may indicate in the summon that if the accused makes an application for compounding of offences at the first hearing of the case and, if such an application is made, Court may pass appropriate orders at the earliest”; 4) “Court should direct the accused, when he appears to furnish a bail bond, to ensure his appearance during trial and ask him to take notice under Section 251Cr.P.C. to enable him to enter his plea of defence and fix the case for defence evidence, unless an application is made by the accused under Section 145(2) for re-calling a witness for cross-examination; (5) “The Court concerned must ensure that examination-in-chief, cross-examination and re-examination of the complainant must be conducted within three months of assigning the case. The Court has option of accepting affidavits of the witnesses, instead of examining them in Court. Witnesses to the complaint and accused must be available for cross-examination as and when there is direction to this effect by the Court.”

9. On 21st April, 2014, in the case of *Goa Foundation v. Union of India & Ors.* [Writ Petition (Civil) No. 435 of 2012], while dealing with the issue of mining leases in the State of Goa, it was held that “it is for the State Government to decide as a matter of policy in what manner mining leases are to be granted in future but the constitutionality or legality of the decision of the State Government can be examined by the Court in exercise of its power of judicial review.”
10. On 24th April, 2014, in the case of *Rajat Prasad v. C.B.I.* [Criminal Appeal No.747 of 2010], it was held that “a crime does not stand obliterated or extinguished merely because its commission is claimed to be in public interest. Any such principle would be abhorrent to our criminal jurisprudence. At the same time the criminal intent behind the commission of the act which is alleged to have occasioned the crime will have to be established before the liability of the person charged with the commission of crime can be adjudged.” In the case at hand, on the issue raised on behalf of the appellants that any finding with regard to the culpability of the accused, even *prima-facie*, would be detrimental to the public interest inasmuch as any such opinion of the Court would act as an inhibition for enterprising and conscious journalists and citizens from carrying out sting operations to expose corruption and other illegal acts in high places, it was held that “a journalist or any other citizen who has no connection, even remotely, with the favour that is allegedly sought in exchange for the bribe offered, cannot be imputed with the necessary intent to commit the offence of abetment under Section 12 of the Prevention of Corruption Act, 1988 or that of conspiracy under Section 120B IPC. Non applicability of the aforesaid provisions of law in such situations, therefore, may be *ex-facie* apparent.” It was held that only in cases “where the question reasonably arises whether the sting operator had a stake in the favours that were allegedly sought in return for the bribe that the issue will require determination in the course of a full-fledged trial.”
11. On 24th April, 2014, in the case of *Mohd. Saeed Siddiqui v. State of U.P. and Another* [Writ Petition (Civil) No. 410 of 2012], the constitutional validity of the Uttar Pradesh Lokayukta

and Up-Lokayuktas (Amendment) Act, 2012 was examined. It was held that the said Amendment Act was “enacted by a competent legislature with legislative intent to provide a term of eight years to Lokayukta and Up-Lokayukta, whether present or future, to ensure effective implementation” of the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975 and that “the aforesaid extension of the term of Lokayukta and Up-Lokayukta from six years to eight years is a matter of legislative policy and it cannot be narrowed down by saying that the same was enacted only for the benefit of Respondent No.2.” It was held that Respondent No. 2 was duly holding the office of Lokayukta, U.P. under a valid law enacted by the competent legislature, viz., the Uttar Pradesh Lokayukta and Up-Lokayuktas Act, 1975 as amended by the Uttar Pradesh Lokayukta and Up-Lokayuktas (Amendment) Act, 2012.

12. On 25th April, 2014, in the case of *Jal Mahal Resorts P. Ltd. v. K.P. Sharma & Ors.* [Civil Appeal No.4912 of 2014], it was held that “although the Courts are expected very often to enter into the technical and administrative aspects of the matter, it has its own limitations and in consonance with the theory and principle of separation of powers, reliance at least to some extent to the decisions of the State Authorities specially if it based on the opinion of the experts reflected from the project report prepared by the technocrats, accepted by the entire hierarchy of the State administration, acknowledged, accepted and approved by one Government after the other, will have to be given due credence and weightage. In spite of this if the Court chooses to overrule the correctness of such administrative decision and merits of the view of the entire body including the administrative, technical and financial experts by taking note of hair splitting submissions at the instance of a PIL petitioner without any evidence in support thereof, the PIL petitioners shall have to be put to strict proof and cannot be allowed to function as an extraordinary and extra judicial ombudsmen questioning the entire exercise undertaken by an extensive body which include administrators, technocrats and financial experts.” The Court held that “there has to be a boundary line or the proverbial ‘laxman rekha’ while examining the correctness of an administrative decision taken by the State or a Central Authority after due deliberation and diligence which do not reflect arbitrariness or illegality in its decision and execution. If such equilibrium in the matter of governance gets disturbed, development is bound to be slowed down and disturbed specially in an age of economic liberalization wherein global players are also involved as per policy decision.”
13. On 25th April, 2014, in the case of *State of Karnataka by Nonavinakere Police v. Shivanna @ Tarkari Shivanna*, [Special Leave Petition (Crl.) No. 5073/2011], exercising powers under Article 142 of the Constitution, the Supreme Court issued interim directions in the form of mandamus to all the police stations in charge in the entire country in context to cases of rape. It was directed that (i) “Upon receipt of information relating to the commission of offence of rape, the Investigating Officer shall make immediate steps to take the victim to any Metropolitan/preferably Judicial Magistrate for the purpose of recording her statement under Section 164 Cr.P.C. A copy of the statement under Section 164 Cr.P.C. should be handed over to the Investigating Officer immediately with a specific direction that the contents of such statement under Section 164 Cr.P.C. should not be disclosed to any person till charge sheet/report under Section 173 CrPC is filed”; (ii) “The Investigating Officer shall as far as possible take the victim to the nearest Lady Metropolitan/preferably Lady Judicial Magistrate”; (iii) “The Investigating Officer shall record specifically the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan/preferably Lady Judicial Magistrate as aforesaid”; (iv) “If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating Officer should record the reasons for the same in the case diary and hand over a copy of the same

to the Magistrate” and (v) “Medical Examination of the victim: Section 164A CrPC inserted by Act 25 of 2005 in Cr.P.C. imposes an obligation on the part of Investigating Officer to get the victim of the rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim under Section 164 CrPC”

14. On 5th May, 2014, in the case of *Ashok Shankarrao Chavan v. Dr. Madhavrao Kinhalkar & Ors.*[Civil Appeal No. 5044 of 2014], it was held that the decision of the Election Commission as upheld by the High Court in a Election Petition, to the effect that “section 10A of the Representation of Peoples Act, 1951 clothes the Election Commission with the requisite power and authority to enquire into the allegations relating to failure to submit the accounts of election expenses in the manner prescribed and as required by or under the act”, is perfectly justified.
15. On 6th May, 2014, in the case of *Dr. Subramanian Swamy v. Director, Central Bureau of Investigation & Anr.* [Writ Petition (Civil) No. 38 of 1997], it was held that Section 6A(1) of the Delhi Special Police Establishment Act, 1946 (DSPE Act) which requires approval of the Central Government to conduct any inquiry or investigation into any offence alleged to have been committed under the Prevention of Corruption Act, 1988 where such allegation relates to (a) the employees of the Central Government of the level of Joint Secretary and above and (b) such officers as are appointed by the Central Government in corporations established by or under any Central Act, government companies, societies and local authorities owned or controlled by the Government, is invalid and violative of Article 14 of the Constitution.
16. On 6th May, 2014, in the case of *State of Karnataka & Anr. v. Associated Management of (Government Recognised – Unaided – English Medium) Primary & Secondary Schools & Ors.* [Civil Appeal Nos.5166-5190 of 2013], it was held “the State cannot stipulate as a condition for recognition that the medium of instruction for children studying in classes I to IV in minority schools protected under Articles 29(1) and 30(1) of the Constitution and in private unaided schools enjoying the right to carry on any occupation under Article 19(1)(g) of the Constitution would be the mother tongue of the children” and that “the imposition of mother tongue affects the fundamental rights under Articles 19, 29 and 30 of the Constitution.” It was further held that “State has no power under Article 350A of the Constitution to compel the linguistic minorities to choose their mother tongue only as a medium of instruction in primary schools.”
17. On 6th May, 2014, in the case of *Pramati Educational & Cultural Trust @ & Ors.*[Writ Petition (C) No. 416 of 2012] it was held “the Constitution (Ninety - third Amendment) Act, 2005 inserting clause (5) of Article 15 of the Constitution and the Constitution (Eighty-Sixth Amendment) Act, 2002 inserting Article 21A of the Constitution do not alter the basic structure or framework of the Constitution and are constitutionally valid.” It was also held that the Right of Children to Free and Compulsory Education Act, 2009 “is not *ultra vires* Article 19(1)(g) of the Constitution”, however, the 2009 Act “insofar as it applies to minority schools, aided or unaided, covered under clause (1) of Article 30 of the Constitution is *ultra vires* the Constitution.”
18. On 6th May, 2014, in the case of *M/s. Kone Elevator India Pvt. Ltd. v. State of Tamil Nadu and Ors.* [Writ Petition (C) No. 232 of 2005], the issue for consideration was whether a contract for manufacture, supply and installation of lifts in a building is a “contract for sale of goods” or a “works contract”.

It was held that “if there are two contracts, namely, purchase of the components of the lift from a dealer, it would be a contract for sale and similarly, if separate contract is entered into for installation, that would be a contract for labour and service. But, a pregnant one, once there is a composite contract for supply and installation, it has to be treated as a works contract, for it is not a sale of goods / chattel simpliciter. It is not chattel sold as chattel or, for that matter, a chattel being attached to another chattel. Therefore, it would not be appropriate to term it as a contract for sale on the bedrock that the components are brought to the site, i.e., building, and prepared for delivery.” The Court held that “it would not be legally correct to make such a distinction in respect of lift, for the contract itself profoundly speaks of obligation to supply goods and materials as well as installation of the lift which obviously conveys performance of labour and service. Hence, the fundamental characteristics of works contract are satisfied.”

19. On 6th May, 2014, in the case of *Subrata Roy Sahara v. Union of India and others* [Writ Petition (Criminal) No. 57 of 2014], the Court observed that “the Indian judicial system is grossly afflicted, with frivolous litigation” and “ways and means need to be evolved, to deter litigants from their compulsive obsession, towards senseless and ill-considered claims.” Observing that “a litigant who has succeeded, must be compensated by the one, who has lost”, the Court made suggestion to the legislature “to formulate a mechanism, that anyone who initiates and continues a litigation senselessly, pays for the same.” It was suggested that the legislature should consider the introduction of a “Code of Compulsory Costs”.
20. On 7th May, 2014, in the case of *State of Tamil Nadu v. State of Kerala & Anr.* [Original Suit No. 3 of 2006], it was held that the Kerala Irrigation and Water Conservation (Amendment) Act, 2006 passed by the Kerala Legislature, whereby the Full Reservoir Level (FRL) in the Mullaperiyar dam (a masonry dam – constructed across Periyar river and situated at Thekkady District in Kerala but owned and operated by the Government of Tamil Nadu) was limited to 136 feet, is unconstitutional and ultra vires in its application to and effect on the Mullaperiyar dam”. It was held that “Kerala cannot be permitted to contend that river Periyar is an intra-State river.” The State of Kerala was restrained by a decree of permanent injunction from applying and enforcing the impugned legislation or in any manner interfering with or obstructing the State of Tamil Nadu from increasing the water level to 142 ft. and from carrying out the repair works as per the judgment of this Court dated 27.2.2006 in W.P.(C) No. 386/2001 with connected matters. Further, a 3-Member Supervisory Committee consisting of one representative from the Central Water Commission and one representative each from the two States – Tamil Nadu and Kerala was constituted to supervise the restoration of Full Reservoir Level (FRL) in the Mullaperiyar dam to the elevation of 142 ft.
21. On 7th May, 2014, in the case of *Animal Welfare Board of India v. A. Nagaraja & Ors.* [Civil Appeal No. 5387 of 2014], the issue with regard to the Rights of Animals under our Constitution, laws, culture, tradition, religion and ethology was examined, in connection with the conduct of Jallikattu, Bullock-cart races etc. in the States of Tamil Nadu and Maharashtra, with particular reference to the provisions of the Prevention of Cruelty to Animals Act, 1960 (PCA Act), the Tamil Nadu Regulation of Jallikattu Act, 2009 (TNRJ Act) and the notification dated 11.7.2011 issued by the Central Government under Section 22(ii) of the PCA Act. It was held that Jallikattu, Bullock-cart Race and such events *per se* violate Sections 3, 11(1)(a) and 11(1)(m)(ii) of PCA Act and hence the notification dated 11.7.2011 issued by the Central Government was upheld, and consequently, it was held that Bulls cannot be used as performing animals, either for the Jallikattu events or Bullock-cart Races in the State of Tamil Nadu, Maharashtra or elsewhere in the country.

The Court *inter alia* made the following declarations and directions: 1) that “the rights guaranteed to the Bulls under Sections 3 and 11 of PCA Act read with Articles 51A(g) & (h) cannot be taken away or curtailed, except under Sections 11(3) and 28 of PCA Act.”; 2) that the five freedoms (freedom from hunger, thirst and malnutrition; freedom from fear and distress; freedom from physical and thermal discomfort; freedom from pain, injury and disease; and freedom to express normal patterns of behaviour) “be read into Sections 3 and 11 of PCA Act, be protected and safeguarded by the States, Central Government, Union Territories, MoEF and Animal Welfare Board of India (AWBI)”; 3) “AWBI and Governments are directed to take appropriate steps to see that the persons-in-charge or care of animals, take reasonable measures to ensure the well-being of animals”; 4) “AWBI and Governments are directed to take steps to prevent the infliction of unnecessary pain or suffering on the animals, since their rights have been statutorily protected under Sections 3 and 11 of PCA Act”; 5) “AWBI is also directed to ensure that the provisions of Section 11(1)(m)(ii) scrupulously followed, meaning thereby, that the person-in-charge or care of the animal shall not incite any animal to fight against a human being or another animal”; 6) “AWBI and the Governments would also see that even in cases where Section 11(3) is involved, the animals be not put to unnecessary pain and suffering and adequate and scientific methods be adopted to achieve the same”; 7) “AWBI and the Governments should take steps to impart education in relation to human treatment of animals in accordance with Section 9(k) inculcating the spirit of Articles 51A(g) & (h) of the Constitution”; 8) “Parliament is expected to make proper amendment of the PCA Act to provide an effective deterrent to achieve the object and purpose of the Act and for violation of Section 11, adequate penalties and punishments should be imposed”; 9) “Parliament, it is expected, would elevate rights of animals to that of constitutional rights, as done by many of the countries around the world, so as to protect their dignity and honour” and 10) “TNRJ Act is found repugnant to PCA Act, which is a welfare legislation, hence held constitutionally void, being violative of Article 254(1) of the Constitution of India.”

22. On 8th May, 2014, in the case of *Cherukuri Mani w/o Narendra Chowdari v. The Chief Secretary, Govt. of Andhra Pradesh & Ors.*, [Criminal Appeal No.1133 of 2014], it was held that when the provisions of Section 3 of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 “clearly mandated the authorities to pass an order of detention at one time for a period not exceeding three months only, the Government Order in the present case, directing detention of the husband of the appellant for a period of twelve months at a stretch is clear violation of the prescribed manner and contrary to the provisions of law.”
23. On 9th May, 2014, in the case of *Kisan Shankar Kathore v. Arun Dattatraya Sawat & Ors.* [Civil Appeal No. 4261 of 2007], the issue pertaining to improper acceptance of nomination by the returning officer and its effect on elections was examined. It was held that “when the information is given by a candidate in the affidavit filed along with the nomination paper and objections are raised thereto questioning the correctness of the information or alleging that there is non-disclosure of certain important information, it may not be possible for the returning officer at that time to conduct a detailed examination. Summary enquiry may not suffice.” “At the same time, it would not be possible for the Returning Officer to reject the nomination for want of verification about the allegations made by the objector. In such a case, when ultimately it is proved that it was a case of non-disclosure and either the affidavit was false or it did not contain complete information leading to suppression, it can be held at that stage that the nomination was improperly accepted.” It was further held that “once it is found that

it was a case of improper acceptance, as there was misinformation or suppression of material information, one can state that question of rejection in such a case was only deferred to a later date. When the court gives such a finding which would have resulted in rejection the effect would be same, namely, such a candidate was not entitled to contest and the election is void.”

24. On 9th May, 2014, in the case of *Chandra Prakash v. State of Rajasthan* [Criminal Appeal No.1155 of 2014], apart from ammonium nitrate other articles had been seized and the combination of the same, as per the evidence of the expert witness, was sufficient to prepare a bomb for the purpose of explosion. The Court, while taking into account Section 2 of the Explosive Substances Act, 1908 which has a deeming provision which states that explosive substance would include any materials for making any explosive substance, and Section 4(d) of the Explosive Act, 1884 which has a broader spectrum which includes coloured fires or any other substances, whether single chemical compound or a mixture of substances, held that the “the possession of these articles in such a large quantity by the accused gives credence to the prosecution version that the possession was conscious and it was intended to be used for the purpose of the blast.” The opinion expressed by the trial Judge as well as by the High Court that there was conspiracy between the parties to commit the blast on a particular day, was accordingly affirmed.
25. On 15th May, 2014 in the case of *Jafar Imam Naqvi v. Election Commission of India*, [Writ Petition (C) No.429 of 2014], it was held that a public interest litigation pertaining to speeches delivered during election campaign “cannot be put on the pedestal of real public interest litigation.” It was held that there “are laws to take care of it” and in the name of a constitutional safeguard, entering into this kind of arena, “would not be within the constitutional parameters.”
26. On 16th May, 2014, in the case of *Adambhai Sulemanbhai Ajmeri & Ors v. State of Gujarat* [Criminal Appeal Nos. 2295-2296 of 2010], which related to the attack on Akshardham Temple in Gandhinagar, all the accused-appellants were acquitted of all the charges framed against them *inter alia* on grounds that: 1) “the prosecution had failed to prove that the sanction was granted by the government either on the basis of an informed decision or on the basis of an independent analysis of fact on consultation with the investigating officer. This would go to show clear non-application of mind of Home-Minister in granting sanction. Therefore, the sanction is void on the ground of non-application of mind and is not a legal and valid sanction under section 50 of the Prevention of Terrorism Act, 2002 (POTA)”; 2) “neither the police officer recording the confessional statements nor the CJM followed the statutory mandates laid down in POTA under sections 32 and 52 while recording the confessional statements of the accused persons”; 3) “the evidence of the accomplices cannot be used to corroborate the confessional statements of the accused persons in the absence of independent evidence”; 4) the post-mortem report of the *fidayeens* killed in the attack “stated that all their clothes were stained with blood and mud and all clothes bore multiple tears and holes due to perforation by bullets” and in such a case, the fact that the letters allegedly found from the pockets of the trousers of the *fidayeens* “remained clean, without any tears, soiling or stains of blood and soil are highly unnatural and improbable” and “cannot be taken as evidence in order to implicate the accused persons in this crime”. It was further held that there was “no independent evidence on record to prove the guilt of the accused persons beyond reasonable doubt in the face of the retractions and grave allegations of torture and violation of human rights of the accused persons against the police.”
27. On 28th May, 2014, in the case of *Bal Kishan Giri v. State of U.P.*, [Criminal Appeal No. 555 of 2010], it was held that it is the duty of a member of the Bar not to demean and disgrace

the majesty of justice dispensed by a court of law. In the case at hand, where insinuation of bias and predetermined mind was leveled by a practicing lawyer against three judges of the High Court, it was held that “such casting of bald, oblique, unsubstantiated aspersions against the judges of High Court not only causes agony and anguish to the judges concerned but also shakes the confidence of the public in the judiciary in its function of dispensation of justice. The judicial process is based on probity, fairness and impartiality which are unimpeachable. Such an act especially by members of Bar who are another cog in the wheel of justice is highly reprehensible”

In the case at hand, it was held that the High Court had not committed any error in not accepting the apology of the appellant, a practicing lawyer, since the same was not bona fide. The Court held that “there might have been an inner impulse of outburst as the appellant alleges that his nephew had been murdered, but that is no excuse for a practicing lawyer to raise fingers against the court.”

28. On 2nd June, 2014, in the case of *Dr. Aloys Wobben and another v. Yogesh Mehra and others* [Civil Appeal No.6718 of 2013], issues emerging from Section 64 of the Patents Act, 1970 were examined. It was held that: 1) “if “any person interested” has filed proceedings under Section 25(2) of the Patents Act, the same would eclipse all similar rights available to the very same person under Section 64(1) of the Patents Act. This would include the right to file a “revocation petition” in the capacity of “any person interested” (under Section 64(1) of the Patents Act), as also, the right to seek the revocation of a patent in the capacity of a defendant through a “counter-claim” (also under Section 64(1) of the Patents Act); 2) that if a “revocation petition” is filed by “any person interested” in exercise of the liberty vested in him under Section 64(1) of the Patents Act, prior to the institution of an “infringement suit” against him, he would be disentitled in law from seeking the revocation of the patent (on the basis whereof an “infringement suit” has been filed against him) through a “counter-claim”; 3) that “where in response to an “infringement suit”, the defendant has already sought the revocation of a patent (on the basis whereof the “infringement suit” has been filed) through a “counter-claim”, the defendant cannot thereafter, in his capacity as “any person interested” assail the concerned patent, by way of a “revocation petition”.”
29. On 25th June, 2014, in the case of *Sukhvinder Singh v. Union of India & Ors.* [Civil Appeal No. 5605 of 2010], it was held “any disability not recorded at the time of recruitment must be presumed to have been caused subsequently and unless proved to the contrary, to be a consequence of military service”. It was further held that “the morale of the Armed Forces requires absolute and undiluted protection and if an injury leads to loss of service without any recompense, this morale would be severely undermined.” It was further held that “wherever a member of the Armed Forces is invalided out of service, it perforce has to be assumed that his disability was found to be above twenty per cent” and that “a disability leading to invaliding out of service would attract the grant of fifty per cent disability pension.”
30. On 30th June, 2014, in the case of *Dr. (Mrs.) Malathi Ravi, M.D. v. Dr. B.V. Ravi, M.D.* [Civil Appeal No.5862 of 2014], the concept of mental cruelty in context to matrimonial and divorce law was examined. It was held “Mental cruelty and its effect cannot be stated with arithmetical exactitude. It varies from individual to individual, from society to society and also depends on the status of the persons. What would be a mental cruelty in the life of two individuals belonging to particular strata of the society may not amount to mental cruelty in respect of another couple belonging to a different stratum of society. The agonized feeling or for that matter a sense of disappointment can take place by certain acts causing a grievous dent at the mental level. The inference has to be drawn from the attending circumstances.”

SOME RECENT MAJOR EVENTS AND THE INITIATIVES

(01-04-2014 to 30-06-2014)

I. FOREIGN DELEGATION TO SUPREME COURT:

On 29-5-2014, a 6 member Nepalese delegation led by Hon'ble Mr. Justice Kalyan Shrestha, Judge, Supreme Court of Nepal had a meeting with Hon'ble Dr. Justice B.S. Chauhan accompanied by the Secretary General, Registrar (Judl. I), Registrar (Admin J.) and Registrar (Admin. G) at the Judges Conference Hall, Supreme Court Premises.

II. MAJOR ACTIVITIES OF NATIONAL LEGAL SERVICES AUTHORITY (NALSA):

MEGA LOK ADALATS: 2nd National LokAdalat was decided to be organized on 12th April, 2014 right from the Supreme Court to the Taluka Courts throughout the country. However, due to Lok Sabha elections, some States expressed difficulties in organizing the National Lok Adalat on 12/4/2014. The matter was discussed in the 12th All India Meet of the SLSAs held on 8-9 March, 2014 at Lucknow, wherein it was decided to postpone the National Lok Adalat scheduled for 12th April, 2014. It was also decided that the States which had no difficulty to organize Lok Adalat on 12/04/2014 could conduct State Mega Lok Adalats instead of National Lok Adalat on 12/04/2014. Accordingly, 18 SLSAs, which did not have any impediments, organized Mega Lok Adalats on 12/04/2014. 5 SLSAs organized Mega Lok Adalats at different dates viz. Gujarat on 14/4/2014, Haryana from 1/4/2014 to 12/4/2014, Jharkhand from 25/3/2014 to 29/3/2014, Karnataka from 6/1/2014 to 12/4/2014 and Rajasthan from 7/4/2014 to 12/4/2014. At the Mega Lok Adalats held in all 23 States, more than 27.80 lakh cases were disposed of or settled amicably out of which 3.81 lakh cases were settled at pre-litigation stage.

MEETING WITH STATE PROGRAMME DIRECTORS OF STATE MAHILA SAMAKHYA SOCIETIES HELD ON 25TH APRIL, 2014: A meeting of the State Programme Directors of Mahila Samakya Programme was organized by the Department of School Education and Literacy, Ministry of HRD, Govt. of India on 25.04.2014 at New Delhi. The Member Secretary, NALSA addressed the State Directors explaining about the legal services institutions and requested them to assist the legal services authorities in the child missing and child trafficking cases.

III. MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA):

(a.) National Conference of Judges of the District Judiciary on “Role of District Judiciary in Protection of Human Right: April 04-06, 2014 : The main aim of this three- day program was to emphasize the important role that is to be played by district judiciary judges as guardians and protectors of human rights in this country. It also attempted to discuss the various areas in the Indian legal system where the international human rights system has expanded the rights of the people in the country. The discussion also brought to fore the fact that the District Judiciary is also faced with international law issues in the form of bail applications by foreign offenders, family law matters, information to counselor before arrest of foreign national, injunctions in IPR suits, tax matters and maritime issues.

(b.) National Orientation Programme for Newly Appointed Civil Judges (Junior Division): April 04- 10, 2014: The fourth and the last of the Orientation programmes scheduled for the year 2013-14 was organized during April 4-10, 2014. There were 51 participants from across the country.

(c.) National Conference of the Presiding Officers of *Family Courts*: April 11-13, 2014: The Conference focused on the functioning of the Family Courts in India. Apart from offering an opportunity to the participating Presiding Officers to understand and appreciate the functioning of these courts, it also provided a forum for the presiding officers to introspect, to share their experiences and to express the major challenges and constraints faced by these courts.

(d.) National Conference of High Court Judges on *the Problems relating to Pendency and Arrears*: April 12-13, 2014: This conference brought together 21 High Court judges, who in discussion and under guidance of resource persons deliberated on the problems of Pendency and Arrears in the Courts and the various ways and processes to help bring about some amount of reduction in the same. The discourse through the day concentrated on topics like Developing Strategies for Tackling Delay, causes and concerns on the delay in the Indian Justice System, effective utilization of ADR system as a tool to reduce pendency and arrears, litigation policy and use of ICT to address the problems of delay. The Conference allowed the participating High Court judges to make presentations on what they thought could help reduce pendency and arrears. Some of the suggestions that came forth during the two days of the conference were: classification of cases and grouping them, establishment of morning and evening courts, filling up vacancies, action plan for disposal of cases in subordinate courts, case flow management system, effective use of ADR, mediation, and plea bargaining to be encouraged, effective use of ICT, subject wise auditing of pendency and disposal, monitoring programs in disposal of old cases and imparting training to prosecutors & advocate-clerks etc.

(e.) National Conference of the Presiding Officers of the Courts under SC/ST (POA) Act: April 18-20, 2014: A key legislative initiative of the country, the SC & ST (Prevention of Atrocities) Act, works to bring about social change and uplift the most socially excluded groups in our country. This two-day programme aimed to enhance the awareness of judges towards the specific social context in which this special legislation has been framed. The programme further addressed issues related to adjudication of cases under SC & ST (Prevention of Atrocities) Act, analyzed the social genesis of atrocities against SC/ST and the Act, access to courts for victims, ways and means to ensure timely and effective adjudication of such cases including investigation, challenges in appreciation of law and evidence and formulation of appropriate relief, protection of victims of atrocities; sentencing, as well as enforcement of court orders. Other major challenges faced by judges in the implementation of the SC&ST (Prevention of Atrocities) Act such as witnesses turning hostile, unfair investigations, accountability of Public Prosecutors and Investigating Officers and obstacles in speedy disposal of cases also formed a part of the programme. Apart from the above, the various amendments introduced through the 2014 Ordinance were highlighted for the participants.

(f.) Regional Judicial Conference on “*Role of Courts in upholding Rule of Law* “ (West Zone: Gujarat, Maharashtra, Madhya Pradesh and Rajasthan) April 25- 27, 2014: The first Conference for the West Zone was held at NJA Bhopal in collaboration with the Madhya Pradesh High Court and the Judicial Officers Training & Research Institute, Madhya Pradesh on April 25-27, 2014.

(g.) National Conference of Judges of the District Judiciary on *MACT Cases*: May 02-04, 2014: This Conference was conceptualized with the objective of equipping the judges dealing with Motor Accident claim cases to discharge their duties effectively, efficiently, expeditiously and with utmost transparency. Further, keeping in focus the procedural hindrances, delay tactics, scope for appeals and the fact that the victim's suffering need to be taken into consideration on humane grounds for the purpose of speedy disposal of motor accident claims, this three day Conference highlighted that while adjudicating on MACT cases the concern for the victim is the bedrock of social jurisprudence. Attention was also

drawn during the conference to the new development of law in this subject.

(h.) National Conference of State Judicial Academies on *Training of Trainers* : May 03-04, 2014:

The Training of Trainers conference brought together 17 Directors, Additional Directors/Faculty members of the State Judicial Academies to learn about innovative pedagogical techniques and develop new methods for delivering the national curriculum that has been developed at NJA. The Conference concentrated on two aspects i) how to conceptualize and design training programmes for the judges and ii) the training methodologies to be used in the training programmes for judges of different levels. Apart from presenting the activities of their respective Academies, the participating Directors also presented the calendar for the forthcoming year 2014-15.

(i) Regional Judicial Conference on “Role of Courts in upholding Rule of Law” (North Zone: Delhi, Punjab & Haryana, Allahabad, Uttarakhand, Himachal Pradesh and J&K) May 09- 11, 2014:

This second Regional Conference for the judges of the North Zone was held in collaboration with the Allahabad High Court and Uttar Pradesh State Judicial Academy and the National Judicial Academy on May 09-11, 2014 at Lucknow, Uttar Pradesh.

(j) Regional Judicial Conference on “Role of Courts in upholding Rule of Law” (West Zone: Gujarat, Maharashtra, Madhya Pradesh and Rajasthan) May 30- June 01, 2014:

The Regional Judicial Conference brought together 99 judges for the second West Zone conference.

(k) Programme for Model Judicial District (PMJD) -2013-14: In line with the premise that it is not just the Presiding officer of a court who is responsible for the smooth running of the justice delivery system, NJA yet again for the 2013-14 session introduced the Programme for Model Judicial District (PMJD) focusing mainly at the judges of different cadres and the ministerial staff of a few districts from selected States. Two PMJDs were held during April 05-06, 2014 and May 03-04, 2014.

(l) Annual Calendar Meeting- April 12, 2014: The Annual Calendar Meeting to formulate the annual Calendar of NJA for the year 2014-15 was held on April 12, 2014. The meeting which received 27 participants was chaired by the then Chief Justice of India, Hon’ble Mr. Justice P. Sathasivam and co-chaired by the Chief Justice of India designate, Mr. Justice RM Lodha. Present during the Conference were the Chief Justices of the High Courts of Patna, Jammu & Kashmir, Tripura, Meghalaya, Jharkhand, Sikkim, and 18 other judges of different High Courts.

(m) Webcasting of the Regional Judicial Conference held at Jodhpur: NJAs effort of making its programmes available to a larger target audience was finally met with the webcasting of some of its programmes. NJA was able to webcast the Regional Judicial Conference held at Jodhpur on May 30-June 1, 2014. NJA is now in the process of initiating webcasting a majority of its programmes from the academic year 2014-15.

SOME IMPORTANT VISITS AND CONFERENCES

(From 01-04-14 to 30-06-14)

ABROAD:

1. Hon'ble Shri R. M. Lodha, Chief Justice of India visited London to have discussions/meetings with the British Side on issues of common interest and to put in place a mechanism to ensure that periodic meetings under the Indo-British Legal Forum are held between the Indian and the British Side. While at London, His Lordship had meetings with (1) The Rt. Hon'ble Lord Neuberger, President of the Supreme Court of United Kingdom, (2) Lord Chief Justice of England and Wales and Lady Justice Arden, Head of International Judicial Relations in the Lord Chief Justice's Office (3) Mr. Chris Stephens, Chairman of the Judicial Appointments Commission and Lord Toulson, Judge of the Supreme Court of United Kingdom, and (4) Lord Justice Gross, the Senior Presiding Judge in the Office of Lord Chief Justice of England and Wales during the period from 8th to 11th June, 2014.

His Lordship also visited St. Petersburg (Russia), to participate in the IVth St. Petersburg International Legal Forum organised by the Ministry of Justice of the Russian Federation during the period from 18th to 21st June, 2014. On 18th June, 2014 His Lordship participated in the Panel Discussion on "Legal Systems of the World: Dangers and Opportunities of Replicating Legal Institutions". On 19th June, 2014, Mr. Seyyed Ebrahim Raeisi, First Vice President of the Judicial Power, Iran, Ambassador Mr. Kazem Gharibabadi, Deputy for International Judicial Cooperation, and Mr. Babaei, Judge of the High Court, had a meeting with his Lordship at Palace of Justice, St. Petersburg, wherein issues relating to bilateral judicial and legal cooperation were discussed. On 20th June, 2014, His Lordship was one of the Speakers at the Plenary Session held on "The Concept of Rule of Law in Legal Systems: Key Takeaways and Future Prospects" and shared the dais with Mr. Dmitry Medvedev – Prime Minister of the Russian Federation.

Further, His Lordship visited Johannesburg (South Africa) to participate in the International Conference on Access to Legal Aid in Criminal Justice Systems organised by the Government of the Republic of South Africa and Legal Aid South Africa during the period from 24th to 26th June, 2014. On 24th June, 2014, His Lordship had a meeting with the Chief Justice of the Constitutional Court of South Africa, Mr. Justice Mogoeng Mogoeng and was one of the Speakers at the Plenary Session of the Conference held on the same day on "United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems".

2. Hon'ble Mr. Justice Madan B. Lokur visited Bermuda to attend the meeting of the CJEI Board of Directors on 11th May, 2014 and to participate as a Teacher in the CJEI Biennial Meeting of Commonwealth Judicial Educators during the period from 12th to 14th May, 2014.
3. Hon'ble Mr. Justice A. K. Sikri visited Brussels, Belgium to participate in the "Academic and Professional Seminars relating to National and International Arbitration" during the period from 8th to 14th June, 2014.

INLAND:

1. Hon'ble Shri R. M. Lodha, Chief Justice of India visited (i) Jodhpur on the invitation of the Bar Council of Rajasthan to lay the Foundation Stone of the Rajasthan Bar Council Building in the premises of new High Court Building at Jodhpur on 11th May, 2014; and (ii) Jammu/Srinagar for meetings with President, Jammu & Kashmir High Court Bar Association and

- other members of the Executive Committee at Jammu, (2) Advocate General and (3) Members of the Bar at Srinagar during the period from 28th May to 4th June, 2014.
2. Hon'ble Mr. Justice H. L. Dattu visited Bengaluru to inaugurate the 'Mega Lok Adalat' as Chief Guest organised by Karnataka State Legal Services Authority on 12th April, 2014.
 3. Hon'ble Dr. Justice B. S. Chauhan visited (i) Lucknow to attend Regional Judicial Conference on "Role of Courts in upholding Rule of Law" on 10th May, 2014; (ii) Cuttack to attend First Annual Convocation of National Law University, Odisha on 18th May, 2014; (iii) Kairana (U.P.) to attend function in Kairana Courts and (iv) Muzaffarnagar to attend function in Muzaffarnagar Distt. Court on 31st May, 2014.
 4. Hon'ble Mr. Justice Surinder Singh Nijjar visited (i) Chandigarh to inaugurate the International Arbitration Symposium organized by the Northern Indian Users' Council of London Court of International Arbitration (India) and to inaugurate the Arbitration Centre in the Old Judicial Court Complex, Sector-17, Chandigarh on 5th April, 2014 and (ii) Kolkata to deliver Keynote Address in the Seminar on Arbitration in India: The Way Forward on 26th April, 2014.
 5. Hon'ble Mr. Justice A. K. Patnaik visited (i) Ranakpur to attend the State Level Workshop of Judicial Officers etc., on 19th April, 2014; (ii) Cuttack (a) to attend function of Chelitola Cultural Academy on 3rd May, 2014; (b) to attend function of Odisha Judicial Academy on 11th May, 2014 and (c) to attend Convocation of National Law University Odisha on 18th May, 2014 and (iii) Indore to attend Inaugural function of the Library of the High Court Bar Association, Indore on 15th May, 2014.
 6. Hon'ble Mr. Justice T. S. Thakur visited (i) Chandigarh for holding Interviews for selection of members (Judicial/ Accountant), Income Tax Appellate Tribunal (ITAT) during the period from 10th to 12th May, 2014; (ii) Mumbai for holding Interviews for selection of members (Judicial/ Accountant), Income Tax Appellate Tribunal (ITAT) during the period from 14th to 17th May, 2014; (iii) Chennai for holding Interviews for selection of members (Judicial/Accountant), Income Tax Appellate Tribunal (ITAT) during the period from 20th to 22nd May, 2014; (iv) Kolkata for holding Interviews for selection of members (Judicial/Accountant), Income Tax Appellate Tribunal (ITAT) during the period from 30th May to 1st June, 2014; (v) Bhubaneswar for holding Interviews for selection of members (Judicial/Accountant), Income Tax Appellate Tribunal (ITAT) during the period from 1st to 2nd June, 2014 and (vi) Hyderabad for holding Interviews for selection of members (Judicial/Accountant), Income Tax Appellate Tribunal (ITAT) during the period from 7th to 9th June, 2014.
 7. Hon'ble Mr. Justice Anil R. Dave (i) attended Conclave of ICAI Members in Entrepreneurship and Public Services organized by Institute of Chartered Accountants of India, New Delhi on 17th January, 2014; (ii) delivered Lecture in the 47th Annual Conference of Urological Society of India, New Delhi on the subject "Organ Donation Drive" on 31st January, 2014; (iii) attended 5th Convocation of GNLU, Ahmedabad on 16th February, 2014; (iv) visited Ahmedabad to attend Closing Ceremony Function of 150 years of Bar Council of India on 1st March, 2014; (v) attended 6th Tribal Youth Exchange Programme as a Chief Guest at Gandhi Smriti, Rajghat, New Delhi on 24th March, 2014; (vi) attended a Musical Concert as a Chief Guest organized by Andhra Cultural and Welfare Society on 26th April, 2014 and (vii) visited Cuttack to deliver Lecture at the Seminar on "Need for restraint in expressing views in subjudice matter" on 21st June, 2014.
 8. Hon'ble Mr. Justice Sudhansu Jyoti Mukhopadhaya visited (i) Hyderabad to deliver the

- 'Motilal Setalvad – Vasudev pillai Endowment Lecture' organized by the Andhra Pradesh Judicial Academy on 11th April, 2014 and (ii) Joshipura-Junagarh, Gujarat to deliver speech on "Importance of Women in our Constitution and Law Enforcement" organised by Shree H. M. Patel Mahila Law College during the period from 2nd to 5th May, 2014.
9. Hon'ble Mrs. Justice Ranjana Prakash Desai visited Muzaffarnagar to attend the Annual Function of District Bar Association, Muzaffarnagar on 31st May, 2014.
 10. Hon'ble Mr. Justice Jagdish Singh Khehar visited Chandigarh to attend Induction Programme at Chandigarh Judicial Academy on 17th May, 2014.
 11. Hon'ble Mr. Justice Dipak Misra (i) visited Cuttack to unveil the Statue of Mahatma Gandhi and address the Judicial Officers on the topic "Gandhiji's Vision on Mediation & Settlement" in the premises of Odisha Judicial Academy at Cuttack on 18th April, 2014; (ii) visited Gautam Budh Nagar to attend the 1st Galgotias University Annual Public Lecture and Inauguration of Legal Aid Clinic organized by Galgotias University at Gautam Budh Nagar and deliver Key Note Address on the topic "Human Rights in Constitutional Context" on 26th April, 2014; (iii) attended the Annual Day of the Institute of Cost Accountants of India as Chief Guest at New Delhi on 19th May, 2014; (iv) visited Chandigarh to attend the Colloquium on "Judicial Ethics and Conduct" as "Chief Guest" organized by Chandigarh Judicial Academy at Chandigarh on 25th May, 2014; and (v) visited Chennai to inaugurate the Special Training Programme for the District Judges and the Refresher Course for the Civil Judges organized by Tamil Nadu State Judicial Academy and address the Judicial Officers on the topic "Relationship between Constitutional Concepts and Criminal Jurisprudential Perspective" on 14th June, 2014.
 12. Hon'ble Mr. Justice J. Chelameswar visited Vijayawada to attend a book release function on 19th April, 2014.
 13. Hon'ble Mr. Justice F. M. Ibrahim Kalifulla visited (i) Chennai to attend Madras Bar Association 150 Lecture Series on "Basic Structure of the Constitution of India – Origin and Development at Madras High Court" on 26th April, 2014; (ii) Erode to deliver the Graduation Day Address and was the Chief Guest at 1st Graduation day at AL-AMEEN Engineering College, Karundevanpalayam (Erode-Muthur Road), Erode on 7th June, 2014; (iii) Mylapore, Chennai to attend the Valedictory function of Hon'ble Mr. Justice V. Krishnaswami Iyer's 150th Birth Anniversary Celebrations on 14th June, 2014; (iv) Chennai to attend function for presentation of "Life Time Achievement Award" to Hon'ble Mr. Justice S. Ratnavel Pandian at Madras Bar Association, High Court Building, Chennai on 21st June, 2014 and (v) Gudalore, Ooty to attend opening of Legal Aid Clinic on 26th June, 2014.
 14. Hon'ble Mr. Justice Madan B. Lokur visited (i) Bhopal to attend National Conference of High Court Judges on the Problems relating to Pendency and Arrears during the period from 18th to 20th April, 2014; (ii) Jamshedpur to attend the Inaugural function of the "First ADR Centre" in the State of Jharkhand in the Dist. Of East Singhbhum, Jamshedpur; (iii) Ranchi to attend Conference on the "Effective implementation of the provisions of the Juvenile Justice Act" organised at "NYAYA Sadan" Jharkahnd State Legal Services Authority during the period from 2nd to 4th May, 2014; (iv) Kolkata to attend the inaugural ceremony of Eastern Zone Bench of National Green Tribunal as Chief Guest during the period from 23rd to 24th May, 2014; (v) Jodhpur to deliver the 'Public Law Lecture' on the theme 'Rule of Law' in North Zone Regional Judicial Conference hosted by Rajasthan High Court on 1st June, 2014; (vi) Trivandrum to attend the workshop on 'Professional Development Training for Advocates

and Law Teachers on Human Rights Protection and Advocacy' on 12th June, 2014; (vii) Goa to attend the program on 'An Introduction to Mediation and Conflict Reduction without Destroying Relationships' and launch of Goa Community Mediation Centre during the period from 22nd to 23rd June, 2014 and (viii) Mussoorie to address the participant for Phase-IV of Mid-Career Training Programme for IAS Officers on 26th June, 2014.

15. Hon'ble Mr. Justice V. Gopala Gowda visited (i) Cuttack (a) to attend Fifth General Council Meeting of the National Law University, Odisha on 17th May, 2014, (ii) to attend First Convocation of the National Law University, Odisha on 18th May, 2014, (c) to attend Seminar organized by I.L.I. and V. Pasayat Birth Centenary Committee on 'Need for Restraint in Expressing views in subjudice matters' on 21st June, 2014 and (d) to attend meeting of the Executive Council of NLU, Odisha on 21st June, 2014.
16. Hon'ble Mr. Justice A. K. Sikri visited (i) Varanasi to attend Moot Court Competition on 19th April, 2014; (ii) Chandigarh to attend INSOL Conference on 3rd May, 2014 and (iii) Dehradun to attend the National Seminar on Globalisation and Governance: Challenges and Opportunities during the period from 24th to 25th May, 2014.

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Highlights of the issue

When contempt is committed in the face of High Court or Supreme Court to scandalize or humiliate the Judge, instant action may be necessary.

Ram Niranjana Roy v. State of Bihar & Ors.P-583

Birth certificate issued by Municipal Corporation is a conclusive proof of age.

Iswar Lal Mohan Lal Thakkar v. Paschim Gujarat Vij Company Ltd.P-858

Evidentiary value of dying declaration recorded not directly from the actual words of the maker but dictated by someone else, discussed.

Muralidhar @ Gidda & Anr. v. State of KarnatakaP-817

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